

EXHIBIT F

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, et al.,
Plaintiffs,

v.

Case No.

GOOGLE LLC,

20-cv-04688-RS

Defendant.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

ZOOM VIDEOTAPED DEPOSITION OF JK KEARNS

Friday, February 17, 2023

9:46 a.m. PST

TAKEN BY:

RYAN MCGEE, ESQ.

ATTORNEY FOR PLAINTIFF

REPORTED BY:

BELLE VIVienne, RPR, CRR, NJ-CRR,

WA/CO/NM-CCR

NATIONALLY CERTIFIED REALTIME

COURT REPORTER

VERITEXT LEGAL SOLUTIONS

JOB NO. 5691965

866.299.5127

1 time at Google, have you had 10:28:10
2 responsibility for WAA? 10:28:12
3 A. I have never been the product 10:28:15
4 manager for WAA. 10:28:17
5 Q. Okay. And I understand you 10:28:18
6 haven't been the product manager for WAA, 10:28:20
7 but have you shared any responsibility for 10:28:22
8 WAA during your time at Google? 10:28:24
9 MS. AGNOLUCCI: Objection, 10:28:28
10 vague. 10:28:29
11 A. It has never been my 10:28:31
12 responsibility to manage WAA. 10:28:33
13 BY MR. MCGEE: 10:28:39
14 Q. And are you familiar with 10:28:41
15 something called Supplemental Web and App 10:28:43
16 Activity? 10:28:47
17 A. I assume that's the "S" in sWAA. 10:28:49
18 Q. You tell me. 10:28:54
19 A. I -- I don't recall if I've ever 10:28:57
20 heard it referred to as "supplemental," 10:28:59
21 but I -- I'm aware of something called 10:29:01
22 sWAA. 10:29:05
23 Q. Okay. And what's your 10:29:05
24 understanding of what sWAA is? 10:29:06
25 A. If -- I'm not sure. I think it 10:29:16

1 has something to do with Chrome. 10:29:18

2 Q. If you know, do you know why 10:29:20

3 Google added sWAA? 10:29:28

4 A. I do not know. 10:29:31

5 Q. Do you know when it was added? 10:29:33

6 A. I do not. 10:29:35

7 Q. Aside from your understanding 10:29:36

8 that it might have some interplay with 10:29:37

9 Chrome, do you have any other 10:29:40

10 understanding of what sWAA does or does 10:29:42

11 not do? 10:29:44

12 A. Nothing is coming to mind. 10:29:48

13 Q. And is WAA a control offered by 10:29:50

14 Google? 10:30:16

15 MS. AGNOLUCCI: Objection, 10:30:17

16 vague. 10:30:18

17 A. I'm not sure what you mean. 10:30:23

18 BY MR. McGEE: 10:30:25

19 Q. Is it a privacy control that 10:30:25

20 Google offers to Google account holders? 10:30:27

21 MS. AGNOLUCCI: Objection, 10:30:32

22 vague. 10:30:33

23 A. WAA is a control that Google 10:30:36

24 offers to account holders to control 10:30:39

25 whether Web and App Activity is saved to 10:30:43

1 (even locally). For users that want 11:53:56
2 pSuggest, but don't want data collected, I 11:53:59
3 think there's some education required. It 11:54:02
4 doesn't make sense for users to turn off x 11:54:04
5 and but then want a feature that requires 11:54:07
6 x. To be clear, there is absolutely no 11:54:08
7 motivation to do this to encourage users 11:54:09
8 to turn on WAA. I don't think that would 11:54:12
9 happen anyway, but it hadn't entered my 11:54:15
10 mind until you suggested it." 11:54:19

11 Q. So, Mr. Kearns, when you say to 11:54:20
12 me it feels like a fairly significant bug 11:54:22
13 that a user can choose to turn off WAA, 11:54:26
14 but then we still collect and use the data 11:54:29
15 (even locally), is that still what you 11:54:32
16 believe today or has your sentiment 11:54:39
17 changed? 11:54:42

18 A. I think if a user has told us 11:54:46
19 that they don't want their data saved to 11:54:53
20 their account, we should not do anything 11:54:59
21 that does that or does something that 11:55:05
22 could also be interpreted as us doing 11:55:12
23 that. 11:55:16

24 Q. Okay. But that's different from 11:55:17
25 what you wrote in July of 2020, correct? 11:55:18

1 MS. AGNOLUCCI: Objection, 11:55:24
2 misstates the document. 11:55:25
3 A. I think it -- it's saying a 11:55:29
4 similar thing. 11:55:35
5 BY MR. McGEE: 11:55:39
6 Q. "To me, it feels like a fairly 11:55:40
7 significant bug that a user can choose to 11:55:42
8 turn off WAA, but then we still collect 11:55:44
9 and use the data (even locally.)" 11:55:47
10 Do you think that statement 11:55:52
11 suggests that it's only about whether it's 11:55:55
12 saved to a user's account? 11:55:57
13 A. The reason that this particular 11:56:05
14 issue felt like a bug is because it is the 11:56:13
15 user's search history being shown to them 11:56:19
16 as part of their history. 11:56:23
17 Q. Okay. And when a user turns off 11:56:30
18 WAA, do you still believe it is still a 11:56:33
19 fairly significant bug that Google still 11:56:38
20 collects and uses that data? 11:56:41
21 MS. AGNOLUCCI: Objection, asked 11:56:44
22 and answered. 11:56:46
23 A. In this particular case, yes. 11:56:48
24 BY MR. McGEE: 11:56:48
25 Q. Are there cases where you don't 11:56:51

1 included on this document? 12:21:55

2 MS. AGNOLUCCI: Objection, 12:21:59

3 foundation, calls for speculation. 12:22:00

4 A. I do not know why. 12:22:07

5 BY MR. McGEE: 12:22:07

6 Q. If you wanted to learn more 12:22:25

7 about that expression, the 12:22:28

8 [REDACTED] who would you ask at 12:22:31

9 Google? 12:22:39

10 MS. AGNOLUCCI: Objection, 12:22:42

11 relevance, foundation. 12:22:44

12 A. The reason I'm pausing is I'm 12:23:17

13 trying to read this more to answer the 12:23:21

14 question, read this e-mail. 12:23:23

15 BY MR. McGEE: 12:23:25

16 Q. Okay. I appreciate that. Thank 12:23:25

17 you. 12:23:27

18 A. I would ask whatever engineer 12:23:30

19 set up this [REDACTED] 12:23:35

20 Q. And what's a [REDACTED] 12:23:42

21 A. A [REDACTED] is a term we use to 12:23:45

22 refer to experiments we run. 12:23:48

23 Q. And who is Christina Collada? 12:23:54

24 A. She's a PM on Search. 12:23:59

25 Q. Are you familiar with the 12:24:01

CERTIFICATION

I, BELLE VIVIENNE, a Nationally
Certified Realtime Reporter, do hereby
certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of February
2023.

Belle Vivienne

BELLE VIVIENNE, CRR, CCR, RPR

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